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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/424,760

02/03/00

GORDEEV

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57361-57793

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IM22/0621

EXAMINER

HENDRICKSON, S

ART UNIT

PAPER NUMBER

1754

DATE MAILED:

06/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/424,760

Applicant(s)

GORDEEV ET AL.

Examiner

Stuart Hendrickson

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 18-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claims 1-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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Applicant's election with traverse of Group I in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the groups share a special technical feature. This is not found persuasive because they do not share a patentable special feature. The requirement is still deemed proper and is therefore made FINAL. Claims 18-23 are withdrawn from consideration.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A) In claim 1 line 2, 'to an' apparently should be 'into an'. Also, 'pores, i.e.' should be deleted.

Claim 1 should end in a period.

B) In the formulas of claim 1, it appears that a negative number will be generated for X, given that M_c/M_k will be about .33, P_k/P_c will be between 3-8 and v will be 2. Thus, R will be greater than one, which generates a negative number. Further, it appears that the 'selecting' is merely a recitation of a mental step.

C) In claim 1 line 4, 'powders' is misspelled.

D) In claim 1 line 24, the 'ie' clause is improper and 'predetermined' is unclear as to the distribution contemplated. In claim 15, 'such as chlorine' is improper, as is 'preferably' in claim 17.

E) Claim 2 is unclear and implies transmutation of elements. It appears that '... Group V or VI carbide ...' is meant.

F) In claim 3, 'identity' appears intended for 'formulation', and appears merely to recite a mental step.

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G) Claim 5 should be rewritten as a new claim without brackets.

H) In claim 5, 'i-th' appears intended for 'it-h'.

I) In claim 11, 'group consisting of' is preferred.

J) In claim 1, 'slot-like' is unclear. Is a channel slot-like?

Pages 7, 15 and 16, etc. of the specification contain non-initialed changes, thus a new oath appears necessary. Clarification is requested.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Avarbz et al.

Avarbz teaches in column 10 shaping a carbide, treating it with hydrocarbon and then with halogen. The reference does not teach all the details explicitly, however choosing the claimed carbide is an obvious expedient to make a carbon having good electrode properties. Applicant should provide a statement as to whether the reference and the application were commonly owned at the time the invention was made.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (703) 308-2539.



Stuart Hendrickson
examiner Art Unit 1754